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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,141	04/30/2001	Timothy H. Daily	4660/5200	6038

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EXAMINER

GRAHAM, MATTHEW C

ART UNIT PAPER NUMBER

3683

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,141

Applicant(s)

DAILY ET AL

Examiner

GRAHAM

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-17-2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3683

1. Receipt is acknowledged of the amendment filed on 12-17-2002.
2. Claims 23, 25 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 23, 25 and 27, "the aforescribed pattern" lacks clear antecedent basis.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francois in view of Andersen.

Francois shows a fiber-reinforce stabilizer bar comprising successive piles oriented at 40° to 50° (see column 2, lines 15-20) at opposite angles in each pile.

Art Unit: 3683

These piles equate to $+45^{\circ} \pm 15^{\circ}$ for the second pile and $-45^{\circ} \pm 15^{\circ}$ for the third pile because the oppositely angled pile in Francois equals $-45^{\circ} \pm 15^{\circ}$. Francois also shows sleeve 16 with a fiber oriented at $\pm 40^{\circ} - 50^{\circ}$ to $0^{\circ} \pm 15^{\circ}$. Also note arm 13 having a recess securing the rod. In addition, the particular orientation and type of the fibers would have been obvious to one of ordinary skill in the art as a mere matter of choice dependent on the desired spring rate.

The claimed invention differs from Françoise only in the use of two bars.

Andersen shows a stabilizer bar having a rod 72 and arms 78, 90.

Re-claim 3, the term light is relative.

Re-claim 4, bushing 68 are considered clamps to the broad degree claims.

Re claim 5, the use of plugs would have been obvious to one of ordinary skill in the art as an additional securing means in view of the teaching in both Francois and Andersen to use internal connections.

Re-claim 6, the plugs in Andersen are integral.

Re-claim 7, the use of crimping would have been obvious to one of ordinary skill in the art as common method of attachment.

Re-claims 8-14, 17, and 18, note the above discussion of claim 2.

Re-claim 15, Andersen shows a tapered arm in Figure 1A.

Re-claim 16, Francois shows a tubular rod.

Re-claims 19, 20 and 21, the recited method of assembly is inherent in Francois, as modified by Andersen.

Re claims 22-27, Francois shows the fiber sets in successive layers with the first set on the inner cylinder 16.

6. Applicant's arguments filed 12-17-2002 have been fully considered but they are not persuasive. Contrary to Applicants' contention, Francois shows first, second and third sets with the piles oriented as claimed when considering the entire tube and both cylinders 12 and 16. In addition, without any evidence of criticality, the orientation of the fiber sets remains a mere matter of choice because layering sheets of fiberglass at different orientation to increase strength is old and well known.

As to claim 5, it is Francois the shows a fiber reinforced bar.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication should be directed to Mr. Graham at telephone number (703) 308-1113.

Application/Control Number: 09/846,141
Art Unit: 3683

Page 5

Graham/kl
March 12, 2003

Matthew C. Graham
3-14-2003

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